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[REDACTED]

From: Coats, Andrea
Sent: Wednesday, October 19, 2016 2:29 PM
To: Latessa, Sara H (DEC) <Sara.Latessa@dec.ny.gov>
Cc: Arcaya, Alyssa <arcaya.alyssa@epa.gov>; Saporita, Chris <Saporita.Chris@epa.gov>; Arvizu, Christy <Arvizu.Christy@epa.gov>
Subject: Re: Language in draft

In addition, there are no further comments on the material you supplied to Christy. We look forward to hearing from you.

From: Latessa, Sara H (DEC) <Sara.Latessa@dec.ny.gov>
Sent: Wednesday, October 19, 2016 9:25:17 AM
To: Coats, Andrea
Cc: Arcaya, Alyssa; Saporita, Chris; Arvizu, Christy
Subject: RE: Language in draft

Ok.. I'll continue to try work with legal on how to resolve.

Sara H. Latessa

Environmental Program Specialist, Division of Water

New York State Department of Environmental Conservation
625 Broadway, Albany, NY 12233

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From: Coats, Andrea [<mailto:Coats.Andrea@epa.gov>]

Sent: Wednesday, October 19, 2016 9:14 AM

To: Latessa, Sara H (DEC) <Sara.Latessa@dec.ny.gov>

Cc: Arcaya, Alyssa <arcaya.alyssa@epa.gov>; Saporita, Chris <Saporita.Chris@epa.gov>; Arvizu, Christy <Arvizu.Christy@epa.gov>

Subject: Re: Language in draft

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Please cc me on all the emails since I am the regional CAFO coordinator. I am not sure I had that one forwarded to me. And yes, we do want it in the permit itself so my email stands regardless of the one I missed from you to Alyssa.

tx

From: Latessa, Sara H (DEC) <Sara.Latessa@dec.ny.gov>

Sent: Wednesday, October 19, 2016 7:54 AM

To: Coats, Andrea

Cc: Arcaya, Alyssa

Subject: RE: Language in draft

Yeah..I know. And then I called and also sent a follow-up email because our legal department advised against it. That's why I asked if your response was inclusive of all emails sent. I guess not. Does the latest email to Alyssa change anything? We would prefer to leave the reference to the Federal Regs in the Fact sheet. We can give a detailed explanation there and share it with you if you're agreeable. Otherwise, I'll keep working with Legal... please let me know asap so I can let them know whether they can stop working on it or if they need to keep going.

Thanks!,

Sara

Sara H. Latessa

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From: Coats, Andrea [<mailto:Coats.Andrea@epa.gov>]
Sent: Tuesday, October 18, 2016 5:04 PM
To: Latessa, Sara H (DEC) <Sara.Latessa@dec.ny.gov>
Cc: Arcaya, Alyssa <arcaya.alyssa@epa.gov>
Subject: Fw: Language in draft

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Sara,

This is the message that I was referring to. You said you would just include the citation.

From: Arcaya, Alyssa
Sent: Thursday, October 6, 2016 10:48 AM
To: Coats, Andrea
Subject: FW: Language in draft

I'll give you a call in a moment about the message below- and will forward you a voicemail.

From: Latessa, Sara H (DEC) [<mailto:Sara.Latessa@dec.ny.gov>]
Sent: Thursday, October 06, 2016 7:47 AM
To: Arcaya, Alyssa <arcaya.alyssa@epa.gov>
Subject: RE: Language in draft

For comment 4, I'll just include the citation.

Comment 9, we do not intend to change the language. The comment excludes waste storage structures because they cannot EVER overflow as stated in other sections of the permit (Part III.B.3.). An overflow from a waste storage structure is in and of itself a violation of the permit regardless of if it actually reaches surface water or not. And to clarify further, this section is stating an "overflow" (from practices other than waste storage structures) is only allowed if it does not result in a "discharge" to surface water. Does that help?

Sara H. Latessa

Environmental Program Specialist, Division of Water

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From: Arcaya, Alyssa [<mailto:arcaya.alyssa@epa.gov>]
Sent: Wednesday, October 05, 2016 5:02 PM

To: Latessa, Sara H (DEC) <Sara.Latessa@dec.ny.gov>

Subject: RE: Language in draft

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Hi Sara,

Thanks for checking in.

Comment 4 was to the a section of the permit that's also specific to those facilities. We'd prefer that the citation be in the permit itself. If you choose not to include this language in the permit for some reason, we suggest describing the substance of the regulation instead (although this would add substantially more detail than just adding the citation (i.e. the site-specific evaluation required in 40 CFR 412.46(a)(1), and, per 40 CFR 412.46(a)(2) the "additional measures" in 40 CFR 412.37(a) for the operation of production areas).

While we're on that topic, for the footnote to that paragraph, we had a comment on the following language, that I'm not sure was resolved in the draft we saw last week:

"... Overflows from practices **other than waste storage structures**, which are designed, operated and maintained to the 25-year, 24-hour storm, that do not result in a discharge to the *surface waters of the State*, are not considered to be violations of this permit..." (Emphasis added).

In comment 9 we noted that this is not allowed because, per 40 CFR 412.46(a), new swine, poultry or veal calf CAFOs must ensure no discharge from the entire production area, including waste storage structures. Can you clarify whether you've removed that exclusion?

Thanks again for your help!

Alyssa

From: Latessa, Sara H (DEC) [<mailto:Sara.Latessa@dec.ny.gov>]

Sent: Monday, October 03, 2016 2:58 PM

To: Arcaya, Alyssa <arcaya.alyssa@epa.gov>

Subject: Language in draft

Hi Alyssa,

As I'm looking through my notes, I see there is a section where you guys suggested that we reference 40 CFR in our permits. For comment #4, instead of referencing 40 CFR in our actual permit, I'd prefer to reference it in the Fact Sheet. I really think it belongs there as there is a section in the fact sheet specific to New Swine, Poultry or Veal Calf CAFO's. Would this be ok with you guys?

And I'm working on the rest of the changes and will get you some modified language very soon 😊

-Sara

Sara H. Latessa

Environmental Program Specialist, Division of Water

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